



1

DEP 3 REF

USPTO  
ACCOUNTING

2008 MAY 16 PM 4:11

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Applicant:

Ariel PELED et al

Serial No.: 10/051,012

Filed: January 22, 2002

Group Art Unit: 2131

Title: A Method For Securing  
Digital ContentAttorney Docket  
Number: 23252

Examiner: Michael Anthony CERVONE

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**REQUEST FOR REFUND UNDER 37 CFR 1.26**

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on September 1, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as

\$ 175 for 7 additional claims over 20 even though the above claims had been previously paid for and no new claims were introduced with the filing of the RCE. These charges were debited on September 5, 2006 from Applicants Deposit Account 501407. The charges for the excess claims fees (Fee Code 2202) were not required and paid by mistake.

A refund of \$ 175 is deemed to be in order.

Applicant has not previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,



Martin Moynihan,  
Registration No. 40,338

Date: May 15, 2008



**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/051,012
Filing Date	January 22, 2002
Examiner Name	Michael Anthony CERVONE
First Named Inventor	Ariel PELED
Group Art Unit	2131
Attorney Docket Number	02/23252

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.  
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50082 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14685 (Mar. 20, 2000), 1235 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
  - a. ☐ Previously submitted
    - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
    - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - b. ☒ Enclosed
    - i. ☒ Amendment/Reply
    - ii. ☐ Affidavit(s)/Declaration(s)
    - iii. ☐ Information Disclosure Statement (IDS)
    - iv. ☒ Other One (1) Month Extension fee
    - v. ☐ Other
2. **Miscellaneous**
  - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
  - b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

For:	Column 1 No. Filed	Column 2 No. Extra	SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENTITY RATE FEE	
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	x \$ 360	\$
Total Claims	27 - 20 =	7	7 x \$ 25	\$ 175	x \$ 50	\$
Independent Claims*	2 - 3 =	0	0 x \$ 100	\$ 0	x \$ 200	\$
			<b>TOTAL</b>	<b>\$570.</b>	<b>TOTAL</b>	<b>\$</b>

☒ The Commissioner is hereby authorized to charge \$570. - filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
----------------------	--------------------	--------------------------------------	--------

Signature

*Martin D. Moynihan* Date

August 30, 2008



RCE

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/051,012
Filing Date	January 22, 2002
Examiner Name	Michael Anthony CERVONE
First Named Inventor	Ariel PELED
Group Art Unit	2131
Attorney Docket Number	02/23252

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other One (1) Month Extension fee
- v. ☐ Other

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for  
a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

For:	Column 1 No. Filed	Column 2 No. Extra	SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENTITY RATE FEE	
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	x \$ 360	\$
Total Claims	27 - 20=	7	7 x \$ 25	\$ 175	x \$ 50	\$
Independent Claims*	2 - 3=	0	0 x \$ 100	\$ 0	x \$ 200	\$
			<b>TOTAL</b>	<b>\$570.</b>	<b>TOTAL</b>	<b>\$</b>

☒ The Commissioner is hereby authorized to charge \$570. - filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338 09/05/2006 JADD01 8888898 581487 10851812
----------------------	--------------------	--------------------------------------	---

Signature: *Martin D. Moynihan*

Date: 09/05/2006, 2006 DA 175.00 DA